

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Target Corporation, a Minnesota corporation,

Plaintiff,

v.

ACE American Insurance Company, a Pennsylvania corporation, and ACE Property & Casualty Insurance Co., a Pennsylvania corporation

Defendants.

Case No. 0:19-cv-02916

**JOINT MOTION TO AMEND DEADLINES CONTAINED IN THE
OPERATIVE BRIEFING ORDER**

Plaintiff Target Corporation (“Target”) and Defendants ACE American Insurance Company and ACE Property and Casualty Insurance Company (“Defendants”), jointly move pursuant to Rules 6(b)(1)(A) and 16(b)(4), Federal Rules of Civil Procedure, to amend the Court’s operative Briefing Order (Doc. 24).

On March 3, 2020, the Court held a pretrial conference. The Court’s subsequent Order (*id.*), issued on March 10, 2020, stayed discovery until cross-summary judgment motions are heard and decided, and set a schedule for making initial disclosures under Rule 26 (a)(1) filing of the parties’ summary judgment motion(s), response and cross-motion, and replies. Shortly thereafter, on March 13, 2020, the Honorable John R. Tunheim, Chief Judge for the District of Minnesota, issued the first of now eleven orders

regarding court operations under the exigent circumstances created by the COVID-19 pandemic, including immediately suspending all criminal and civil jury trials, suspending all grand juries through April 27, 2020. On March 16, 2020, the federal government announced nationwide social-distancing guidelines to combat the spread of the virus, which extended to April 30, 2020. The State of Minnesota instituted a stay-at-home order on March 16, 2020 and continuing through at least May 14, 2020.

As a result of these orders, health concerns, and the restrictions on gathering and travelling during the emergence of the COVID-19 virus and pandemic, the ability for the parties, lawyers, and third parties to meet, access third party documents, and exchange initial disclosures with associated document productions by the prescribed date of March 27, 2020 was greatly restricted. Accordingly, to accommodate the major challenges presented by the COVID-19 pandemic, the parties agreed to extend the deadline to exchange their initial disclosures and associated document productions until May 1, 2020. All parties complied with the May 1, 2020 deadline.

Now, as the COVID-19 pandemic related disruptions and challenges continue, the parties have a much curtailed window during which to properly review and respond to their respective initial disclosures and documents productions of May 1, 2020. Accordingly, the parties jointly seek a 14-day extension for all deadlines related to the parties' summary judgment motions as set by the Court's March 10, 2020 Order (*id.*), which currently begin with Plaintiff's motion for summary judgment to be served and filed by May 11, 2020. A comprehensive 14-day extension would result in final brief in the process, Defendants' reply brief, to be served and filed by August 13, 2020, well in

advance of the parties' settlement conference scheduled for October 28, 2020. A hearing on the cross-summary judgement motions has not yet been set.

The COVID-19 pandemic and the government-issued stay-at-home orders constitute good cause under Rules 6(b)(1)(A) and 16(b)(4) to amend and modify the deadlines contained in the operative Briefing Order. Subject to Court approval, the parties have agreed on the proposed dates as set forth in the table attached as Exhibit 1, and request briefing order adopted with these proposed modified dates.

Meet and Confer Statement per Local Rule 7.1(a)(1)(A)

Parties have met and conferred multiple times, via telephone and email, regarding modification of deadline to exchange Initial Disclosures and the associated document production(s), as well as the instant joint motion to amend the operative Briefing Order and extend all cross-summary judgment briefing deadlines by fourteen days. The parties last met and conferred via email on May 5, 2020.

Dated: May 7, 2020

Taft Stettinius & Hollister P.A.

/s/ John B. Lunseth

John B. Lunseth II (#065341)
Mira Vats-Fournier (#0399692)
BRIGGS AND MORGAN, P.A.
2200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Phone: 612-977-8400
Fax: 612-977-8650
Email: jlunseth@taftlaw.com
mvats-fournier@taftlaw.com

Of counsel:

David B. Goodwin
Gretchen Hoff Varner
COVINGTON & BURLING LLP
Salesforce Tower
415 Mission Street, Suite 5400
San Francisco, CA 94105-2533
Tel.: (415) 591-6000
Fax: (415) 591-6091
Email: dgoodwin@cov.com
ghoffvarner@cov.com

*Attorneys for Plaintiff
Target Corporation*

Dated: May 7, 2020

/s/ Charles E. Spevacek
Charles E. Spevacek (#126044)
MEAGHER & GEER, P.L.L.P.
33 South Sixth Street, Suite 4400
Minneapolis, MN 55402
Tel.: (612) 338-0661
Fax: (612) 388-8384
Email: cspevacek@meagher.com

*Attorneys for Defendants
ACE American Insurance Company and
ACE Property & Casualty Insurance
Company*

EXHIBIT 1**TABLE OF PROPOSED MODIFICATIONS FOR
UPCOMING DEADLINES IN BRIEFING ORDER (DOC. 24)**

DEADLINE OR EVENT	CURRENT DATE	PROPOSED DATE
Plaintiff's motion for summary judgment served and filed	May 11, 2020	May 25, 2020
Defendants' response in opposition, and cross-motion for summary judgment to be served and filed	June 10, 2020	June 24, 2020
Plaintiff's response in opposition and its joint reply to be served and filed	July 10, 2020	July 24, 2020
Defendants' reply served and filed	July 31, 2020	August 13, 2020
Settlement Conference	October 28, 2020	October 28, 2020